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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,650	09/11/2002	Klaus Peter Maass	215849	3547

23460 7590 06/02/2004

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EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/069,650

Applicant(s)

MAASS, KLAUS PETER

Examiner

Gregory J. Strimbu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 March 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-9 and 11-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                        |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Great Britain on August 27, 1999. It is noted, however, that applicant has not filed a copy of the 9920394.5 application.

***Claim Objections***

Claims 9 and 15 are objected to because of the following informalities: "cannel" on line 6 of claim 15 appears to be a typographical error; "the said" on line 27 of claim 15 should be avoided since the use of two antecedents is needlessly redundant. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

Claims 3-9 and 11-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "each sidewall" on line 5 of claim 9 render the claims indefinite because it is unclear if the applicant is referring to the channel sidewalls or is attempting to set forth additional walls in addition to the ones set forth above. Also see "channel" on line 22 of claim 9 which suffers from the same problem. Recitations such as "to physically a distal edge portion of the third side wall" on line 24 of claim 9 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Recitations such as "means" on line 8 of claim 15 should be avoided so as not to create

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confusion as to whether 35 USC 112 sixth paragraph is being invoked. Recitations such as "said region of the physically separated lip" on lines 8-9 of claim 15 render the claims indefinite because they lack antecedent basis. Recitations such as "smoothly" on line 9 of claim 15 render the claims indefinite because they are relative terms whose meaning cannot be ascertained by one with ordinary skill in the art and is not defined in the specification. Recitations such as "along the said region, of the channel" on lines 11-12 of claim 15 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Recitations such as "re-joined" on line 13 of claim 15 render the claims indefinite because it is unclear to what element of the invention the second side wall lip is re-joined. Recitations such as "matching the corner" on line 13 of claim 15 render the claims indefinite because it is unclear what the applicant is attempting to set forth. How does the second side wall lip "match" the corner. Do they both have the same curvature or do they both have the same appearance. Recitations such as "that side wall" on lines 16-17 of claim 15 render the claims indefinite because the applicant has not used the customary antecedent "the" or "said" to refer to the previously set forth element of the invention.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-6, 8, 9 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Publication 2 311 799 in view of Christian. UK Patent Publication 2 311 799 discloses in combination, a frame 12 defining a window opening (not numbered, but shown in figure 1) having a corner 16 and a window glass sealing and guiding channel arrangement 18 mounted on the frame, the channel arrangement comprising a channel base 22 and first 24 and second 26 integral channel side walls made of flexible material, each side wall having a distal edge (not numbered, but shown in figure 7) and a lip 28 and 30, respectively, extending along the distal edge of the side wall, the channel being bent to match the corner along a predetermined region (A) of the channel, the lip of the first side wall being physically separated from the first side wall by means of a cut which extends through the first side wall and along the region of the physically separated lip smoothly bridging across the corner, the lip on the second side wall being physically separated from the second side wall by means of a cut which extends through the second side wall and along the region of the channel, the separated lip on the second sidewall having been cut through at an intermediate point along the region and re-joined with a miter joint matching the corner, the base of the channel and the parts of the side walls physically separated from the lips along the region forming a channel portion which is completely removed from the arrangement, a predetermined insert 47 being secured in position in the arrangement to replace the completely removed the channel portion, the insert comprising a base (not numbered, but shown in figure 8) and a first (not numbered, but comprising the shorter of the two walls in figure 8) and a second (not numbered, but comprising the longer of the two

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walls in figure 8) side walls which replace the base and the first and second side walls of the completely removed the channel portion but are sized to extend to and to be respectively secured to the physically separated lips, a lip within the channel 44. UK Patent Publication 2 311 799 is silent concerning a third side wall.

However, Christian discloses a window sealing and guiding channel comprising a second side wall 24 having a lip 16 and a third side wall 42 having a lip 32, the third side wall 42 being sized and positioned to substantially overlies the base 26 of the channel.

It would have been obvious to one of ordinary skill in the art to provide UK Patent Publication 2 311 799 with a second and third wall configuration, as taught by Christian, to more securely attach the window sealing and guiding channel to a vehicle.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Publication 2 311 799 in view of Christian as applied to claims 3-6, 8, 9 and 11-15 above, and further in view of Kawai. Kawai discloses a window sealing and guiding channel 4 having an integrally molded insert 4D.

It would have been obvious to one of ordinary skill in the art to provide UK Patent Publication 2 311 799, as modified above, with an integrally molded insert, as taught by Kawai, to better seal the window within the sealing and guiding channel.

### ***Response to Arguments***

Applicant's arguments filed March 5, 2004 have been fully considered but they are not persuasive. With respect to the applicant's arguments concerning the

combination of UK Patent Publication 2 311 799 and Christian, the examiner respectfully disagrees. The applicant's invention is the addition of a third wall to the known channel/insert arrangement of UK Patent Publication 2 311 799. Christian teaches a channel arrangement having a three walls, the third of which substantially overlies the base 26 of the channel arrangement. Thus, when considering the teachings of Christian and UK Patent Publication 2 311 799, one with ordinary skill in the art would be motivated to provide UK Patent Publication 2 311 799 with an additional sealing lip to better seal the window within the sealing and guiding channel. It should be noted that Christian is not used for the specific structure of its third wall, but for the general concept of having three walls in channel arrangement. Therefore, the third wall of the combination of UK Patent Publication 2 311 799 in view of Christian would comprise a wall substantially similar to the first or second wall of UK Patent Publication 2 311 799 in the position as taught by Christian.

It is suggested that the applicant amend the claims to more specifically recite the patentable feature of the third side wall covering the insert so as to cover it from view. The language overlie is too broad to patentably recite the applicant's invention.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

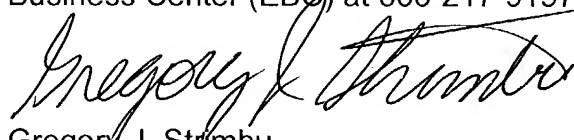
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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory J. Strimbu  
Primary Examiner  
Art Unit 3634  
May 27, 2004